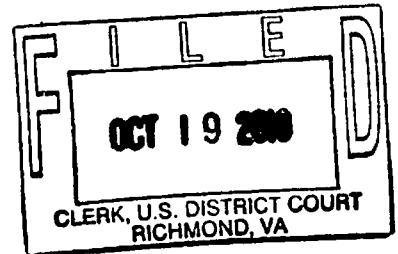


UNITED STATES DISTRICT COURT

for the
Eastern District of Virginia



In the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)

3601 Montclair Road
Richmond, VA 23223, which is a brick single family
dwelling

Case No.

3:18SW272

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):
SEE AFFIDAVIT, ATTACHMENT A

located in the Eastern District of Virginia, there is now concealed (identify the person or describe the property to be seized):
SEE AFFIDAVIT, ATTACHMENT B

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
- ☒ contraband, fruits of crime, or other items illegally possessed;
- ☐ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section

Offense Description

18 USC Sections 922 (a)(6)
and (g)(3)

False statements in regard to purchase of firearm, possession of firearm by
unlawful user of controlled substance

The application is based on these facts:
SEE AFFIDAVIT

☒ Continued on the attached sheet.

☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested
under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Applicant's signature

SA Anthony Brock Newton, ATF

Printed name and title

Sworn to before me and signed in my presence.

Date: 10/19/2018

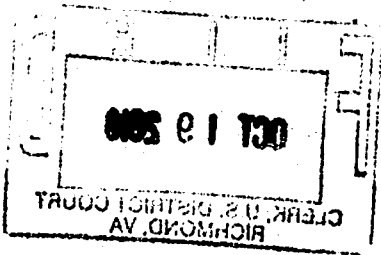
[S]

Judge's signature

City and state: Richmond, Virginia

Honorable Roderick C. Young, U.S. Magistrate Judge

Printed name and title



[Handwritten signature]

[Handwritten signature]

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§ IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

Richmond Division

IN THE MATTER OF THE SEARCH OF

3601 Montclair Road
Richmond, VA 23223, which is a brick
single family dwelling

Under Seal

3:18-sw-272

**AFFIDAVIT IN SUPPORT OF AN
APPLICATION UNDER RULE 41 FOR A
WARRANT TO SEARCH AND SEIZE**

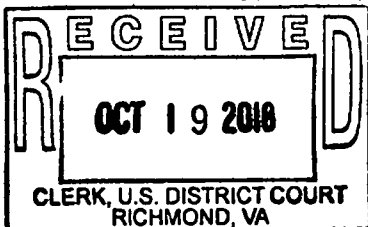
I, Anthony Brock Newton, being first duly sworn, hereby depose and state as follows:

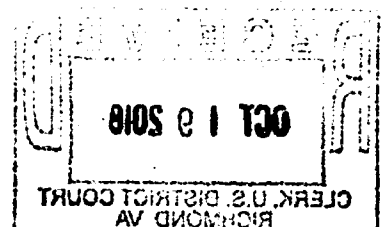
INTRODUCTION AND AGENT BACKGROUND

1. I have been a Special Agent (SA) with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) since 2015. Prior to my appointment with the ATF, I was a police officer for approximately 6 years. I am assigned to the ATF Richmond Group III Field Office. In my capacity as a law enforcement officer, I have investigated individuals for the illegal possession and use of firearms, illegal possession and distribution of controlled substances, and for committing violent crimes. Many of these investigations involved the execution of search warrants, and led to the arrest and conviction of individuals for violations of state and federal firearms and drug trafficking laws. I also have experience in searching electronic devices for evidence related to these narcotics and firearms investigations.

2. I submit this affidavit in support of an application for a search warrant for a residence located at, 3601 Montclair Road, Richmond, VA, 23223, which is a brick, single family dwelling, as described in Attachment A (hereinafter "PREMISES").

3. Based upon the facts set forth herein, I submit there is probable cause to believe





that MARCUS DEONTA MCBRIDE has engaged in lying on ATF Firearms Transaction Form 4473, in violation of 18 U.S.C. § 922(a)(6), in order to obtain a firearm on behalf of a prohibited person, and that MCBRIDE lied on ATF Firearms Transaction Form 4473 about being an unlawful user of marijuana, in violation of 18 U.S.C. §§ 922 (a)(6) and (g)(3), and that the property described in Attachment A contains evidence, contraband, fruits, and/or instrumentalities of these criminal activities, as described in Attachment B.

4. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

PROBABLE CAUSE

1. On October 3, 2018, at approximately 1:26 pm, Marcus MCBRIDE purchased a Taurus, Model G2S, 9mm semi-automatic pistol, bearing SN TLS21527 and 9mm ammunition from the Bass Pro Shops, located at 11550 Lakeridge Parkway, Hanover County, Virginia. In conducting the purchase, MCBRIDE signed the ATF Firearms Transaction Record Form 4473 for this purchase designating that he was the actual transferee/buyer of the firearm and that he was not an unlawful user of, or addicted to, marijuana or any depressant, stimulant, narcotic drug, or any other controlled substance. Furthermore, under the current state of residence and address on the form, MCBRIDE listed an address of 5713 Crenshaw Road, Richmond, VA 23227. Although the video surveillance footage was grainy and difficult to see clearly, your affiant believes that MCBRIDE was accompanied by Malcom PITTMAN during this transaction.

2. MCBRIDE has previously used 5713 Crenshaw Road, Apartment A, Richmond, VA 23227 as his address on previous firearms purchases and a query of law enforcement databases lists this address for MCBRIDE.

3. On October 3, 2018, at approximately 5:21pm, the Henrico County Police Department (HCPD) responded to 3601 Montclair Road, Richmond, VA 23223 in reference to a medical emergency call. Upon investigation, it was determined that Kevin Antonio MANUEL had a gunshot wound to his head and the Taurus, Model G2S, 9mm semi-automatic pistol, bearing SN TLS21527 was located at his feet (this is the firearm that was purchased by MCBRIDE earlier in the day). Furthermore, a bullet fragment was located next to MANUEL's head and a box of ammunition was located on the floor. Through the investigation, the HCPD determined that MANUEL's cause of death was suicide. MANUEL has a history of mental illness and was prohibited from possessing firearms due to being a convicted felon. While at the PREMISES investigating the suicide, law enforcement noticed the odor of marijuana inside of the residence. The residence was not searched and MCBRIDE was not located at the residence by law enforcement. Along with the suspected firearm and ammunition, law enforcement seized the suspected firearm gunbox and the documents within it.

4. A query of law enforcement databases shows that Malcolm PITTMAN, a known associate of MCBRIDE, has a registered address of 3601 Montclair Road, Richmond, VA 23223 (the PREMISES). PITTMAN was also not located at the PREMISES when law enforcement investigated the suicide. Furthermore, it is believed by law enforcement that PITTMAN is related to MANUEL, and that PITTMAN's father is MANUEL's cousin.

5. On October 12, 2018, at approximately 3:59 pm, law enforcement observed MCBRIDE's black Honda Accord (VA UYM-3610) parked in front of the PREMISES. At

approximately the same time, law enforcement observed MCBRIDE at the PREMISES. At approximately 4:33 pm, MCBRIDE was observed by law enforcement leaving the PREMISES in the black Honda Accord.

6. In the evening hours of October 13 and October 14, 2018, the HCPD observed MCBRIDE's vehicle parked in front of the PREMISES.

7. On October 15, 2018, at approximately 6:05 am, law enforcement observed MCBRIDE's vehicle parked in front of the PREMISES. Law enforcement also observed trash on the curb, which was ready for pickup. Law enforcement recovered four bags of trash from the curb, which were sitting next to the trashcan. Law enforcement did not recover any bags from inside the trashcan. Inside of the trash bags, law enforcement located a black plastic bag, which contained blunt "guttings" and a small clear corner baggie along with the torn knotted end of a baggie. Blunt "guttings" are consistent with marijuana usage, and the recovered corner baggie is consistent with marijuana packaging.

8. On October 17, 2018, law enforcement made contact with a female resident at 5713 Crenshaw Road, Apartment A in Richmond, VA. When asked if Linda MCBRIDE or Marcus MCBRIDE currently reside at the residence, the female resident stated that they did not and that she was tired of receiving their mail. Furthermore, the female resident stated that she had been living at 5713 Crenshaw Road, Apartment A since August 31, 2018. Marcus MCBRIDE purchased the Taurus firearm on October 3, 2018 and used the 5713 Crenshaw Road address as his address.

9. On October 17, 2018, after speaking with the female resident at 5713 Crenshaw Road, Apartment A, at approximately 8:10 am, law enforcement again located MCBRIDE's black Honda Accord parked within the chain linked fence behind the PREMISES.

10. Almost exactly one year earlier, in October 2017, in Henrico County, VA, an infant child was killed by gunfire as a result of a suspected feud between two gangs within the Richmond, VA area. This feud has resulted in other shootings throughout the Richmond, VA area. As part of this investigation unfolded, Marcus MCBRIDE was identified as being an associate of those involved with the gangs.

11. In the Spring of this year, on March 21, 2018, the Henrico County Police Department (HCPD) obtained a search warrant for room 205 of the Motel 6 located at 5704 Williamsburg Road, Sandston, VA. The search warrant was obtained after members of the HCPD recovered an amount of suspected marijuana pursuant to a traffic stop from a confidential source (CS) of information who was observed entering and exiting room 205 of the Motel 6.

12. On May 15, 2018, this CS was interviewed by law enforcement. The CS stated that when he had purchased marijuana from PITTMAN at the Motel 6 on March 21, 2018, and that Marcus MCBRIDE and another unknown male were also in the room at that time. The CS stated that for the past year he had been purchasing \$10 worth of marijuana from PITTMAN. The CS further estimated that he had been purchasing the marijuana from PITTMAN every other week or a couple times a month.

13. On March 22, 2018, the HCPD served the search warrant on room 205 of the Motel 6 and recovered the following items:

- One (1) digital scale, recovered from the desk inside a plastic bag
- Loose marijuana recovered from the desk
- One (1) corner baggie with residue recovered from the front left pants pocket of a pair of True Religion Jeans
- Hennessy bottle containing marijuana roaches
- One (1) Iphone from the left bed
- One (1) Samsung cell phone from the desk
- One (1) Cell Phone Coolpad from the bedside table
- \$20.00 from black Orben backpack in front pocket

- \$22.00 under the pillow from one of the beds
- \$130.00 from the pocket of True Religion jeans
- Bersa, Model 95, .380 ACP caliber semi-automatic pistol bearing S/N 334932
- Glock, Model 23, .40 caliber semi-automatic pistol bearing S/N THU063

Marcus MCBRIDE was present when the search warrant was served.

14. On March 22, 2018, pursuant to the search warrant, MCBRIDE was interviewed by law enforcement. MCBRIDE stated that the Bersa, Model 95, .380 ACP caliber semi-automatic pistol bearing S/N 334932 recovered in the hotel room during the search warrant belonged to him. MCBRIDE stated that he does not sell or use drugs. Law enforcement asked MCBRIDE if he smokes marijuana to which MCBRIDE replied, “yea, I smoke” and that marijuana was “just a plant.”

15. During the interview, MCBRIDE stated that he had been smoking marijuana since middle school and that he does not believe in using any other drugs. MCBRIDE stated that he used marijuana “just about” every day. When further asked if he had been using every day since middle school, MCBRIDE stated that his use was “on and off,” and that there were times he took a break, and that he had previously stopped using for a week to a month.

16. In reference to MCBRIDE’s firearms purchases, law enforcement asked MCBRIDE how he answered the question on ATF Form 4473 that refers to drug usage. MCBRIDE stated that he did not even remember it. When MCBRIDE was asked why he did not put a yes on the form designating his marijuana usage, MCBRIDE stated that he did not remember seeing that as an option and if he did see it, he still would not have checked it because he felt like that would have stopped him from being able to get the gun.

17. On May 15, 2018, MCBRIDE was again interviewed by law enforcement. During this interview, MCBRIDE stated that Malcolm PITTMAN purchased a firearm from Green Top that was seized by the police. MCBRIDE stated that sometime after the search warrant at the

Motel 6, PITTMAN was able to get his firearm back from the police. MCBRIDE stated that PITTMAN used to smoke marijuana and that he did not know if PITTMAN sold marijuana. MCBRIDE stated that he never observed PITTMAN sell marijuana and that he has previously heard people wrongly accuse PITTMAN of selling marijuana.

18. During the interview, law enforcement discussed with MCBRIDE the importance of being truthful and the seriousness of the situation. After this conversation, MCBRIDE stated that he had previously smoked marijuana with PITTMAN. MCBRIDE stated that he had last smoked marijuana with PITTMAN approximately a week ago. MCBRIDE stated that he had probably been around PITTMAN selling marijuana, but never observed PITTMAN actually selling marijuana.

19. In regard to purchase of firearms, MCBRIDE stated that people might not be using marijuana when purchasing firearms. Law enforcement read question 11e from ATF Form 4473 which pertains to the usage of marijuana when purchasing a firearm. MCBRIDE stated that he was not addicted to marijuana and that it was possible for people to stop smoking marijuana when purchasing a firearm.

20. More recently, on August 2, 2018, MCBRIDE was stopped by the Hanover County Sheriff's Office (HCSO). At the time of the traffic stop, MCBRIDE was operating a black Honda sedan bearing a Virginia registration of UYM-3610. During the traffic stop, after smelling the odor of marijuana coming from the Honda sedan, the HCSO located a ceramic smoking device with green plant material between the driver's seat and center console and a green plastic container with plant material residue in the center console. MCBRIDE took ownership of the smoking device but not the green plastic container. The HCSO field tested the

suspected marijuana, which showed a positive result for marijuana, and MCBRIDE was issued a summons for possession of marijuana.

21. From 2014 to present, Marcus MCBRIDE is suspected of purchasing the following known firearms while being an unlawful user of a controlled substance, in violation of 18 USC §§ 922(a)(6) and 922(g)(3):

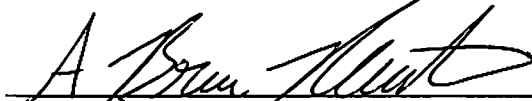
Firearm	Date of Purchase
Keystone, Model KSA239, .22 LR caliber semi-auto rifle, SN 591503	04/16/2014
Webley and Scott, Model 600, 12 gauge shotgun, SN H9A15581	03/19/2015
Bersa, Model 95, .380 ACP caliber semi-auto pistol, SN 334932	01/18/2017
Taurus, Model G2S, 9mm semi-auto pistol, SN TLS21527	10/03/2018

CONCLUSION

22. Based upon the foregoing, I submit there is probable cause to believe that Marcus MCBRIDE has engaged in lying on ATF Firearms Transaction Form 4473 in violation of section 18 U.S.C. § 922(a)(6) to obtain a firearm on behalf of a prohibited person and that MCBRIDE

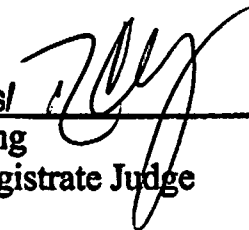
lied on ATF Firearms Transaction Form 4473 about being an unlawful user of marijuana, in violation of 18 U.S.C. §§ 922 (a)(6) and (g)(3), and that the property described in Attachment A, contains evidence, contraband, fruits, and/or instrumentalities of these criminal activities, as described in Attachment B.

Respectfully submitted,



Anthony Brock Newton
Special Agent (ATF)

Subscribed and sworn to before me on October 19, 2018, at Richmond, Virginia.



/s/
Roderick C. Young
United States Magistrate Judge

[Handwritten signature]

[Handwritten signature]

Roderick C. Young
United States Magistrate Judge

ATTACHMENT A

Place to be searched

The property to be searched is 3601 Montclair Road, Richmond, Virginia 23223, in the Eastern District of Virginia ("PREMISES"). The PREMISES is constructed of brick and has a chain linked fence on the outside of the residence. The PREMISES has a brown door and white gutters. The PREMISES is located directly on the corner of Montclair Road and Harvie Road in Richmond, VA.



ATTACHMENT B

Items to be Seized

All items constituting evidence and/or instrumentalities of violations of 18 U.S.C. §§ 922(a)(6) and 922(g)(3), including, but not limited to, the following:

- a. Indicia of occupancy, residence, and/or ownership of the premises described herein, including, but not limited to, utility and telephone bills, cancelled envelopes, and keys;
- b. Controlled substances, packaging materials, indicia of use/distribution, records and documents, receipts, notes ledgers and other papers including any computerized or electronic records including cellular telephones, relating to the ordering, purchase or possession of controlled substances;
- c. U.S. currency and other illicit gains from the distribution of firearms and/or controlled substances;
- d. Books, records, receipts, notes, ledgers, and other papers including any computerized or electronic records relating to the ordering, purchase or possession of firearms;
- e. Address and/or telephone books and papers, including computerized or electronic address and/or telephone records reflecting names, addresses and/or telephone numbers;
- f. Books, records, receipts, bank statements, and records, money drafts, letters of credit, money order and cashier's checks, receipts, pass books, bank checks, safety deposit box keys and any other items evidencing the obtaining, secreting, transfer, concealment, storage and/or expenditure of money or other assets including, but not limited to, firearms and/or controlled substances;
- g. Documents and papers evidencing ownership of firearms, possession of firearms, storage and location of such assets and facilities to safely store and secure such items, such as safes, to include lock boxes, gun safes, and strong boxes;
- h. Photographs, in particular, photographs of firearms and/or controlled substances and photographs of individuals possessing firearms and/or controlled substances and photographs showing the association of individuals;
- i. Firearms, including, but not limited to, firearms parts, accessories, holsters, and ammunition;